

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NOEL GARCIA, :  
Plaintiff :  
v. :Case No. 3:12-cv-68-KRG-KAP  
JOHN E. WETZEL, SECRETARY OF :  
THE DEPARTMENT OF CORRECTIONS, :  
et al., :  
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)-(3), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 12, 2012, docket no. 2, recommending that the complaint be dismissed as to all defendants except defendant Wetzel. On January 11, 2013, the Magistrate Judge filed a Report and Recommendation, docket no. 24, recommending that defendant Wetzel's motion to dismiss, docket no. 18, be granted.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. No objections were filed to the former Report and Recommendation. Plaintiff filed timely objections to the latter Report and Recommendation, docket no. 25, but they are meritless.

After de novo review of the record, the Reports and Recommendations, and the objections thereto, the following order is entered:

AND NOW, this 20<sup>th</sup> day of February, 2013, it is

ORDERED that defendant's motion to dismiss, docket no. 18, is granted. Plaintiff's complaint is dismissed without leave to amend. The Reports and Recommendations are adopted as the opinions of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is fluid and cursive, with the first name "Kim" and last name "Gibson" clearly distinguishable.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Noel Garcia HQ-9129  
S.C.I. Albion  
10745 Route 18  
Albion, PA 16475-0001